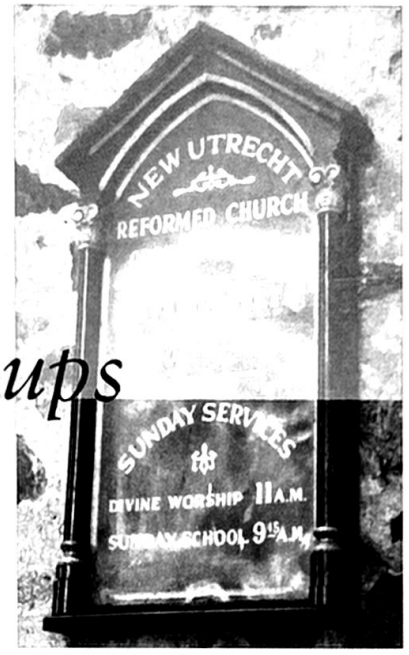
CL10805
085000

New York Landmarks Conservancy

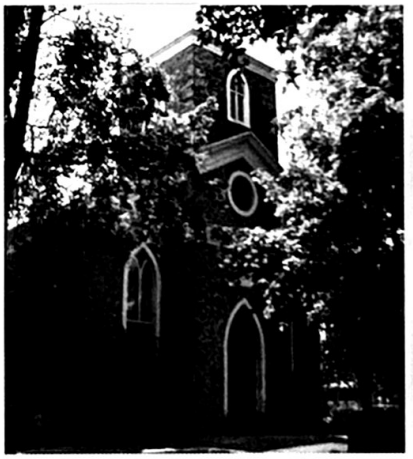
COMMON BOND

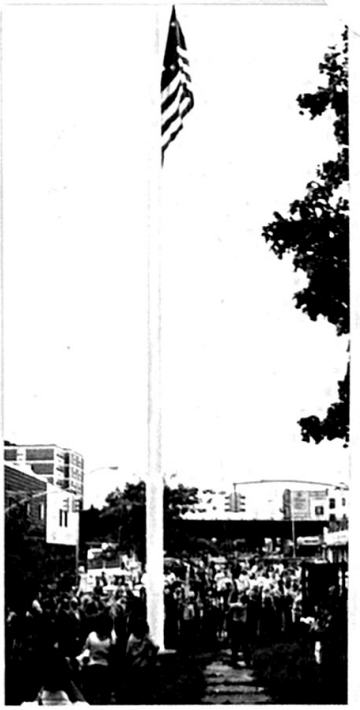
Volume 19, No. 1
Fall -Winter 2004

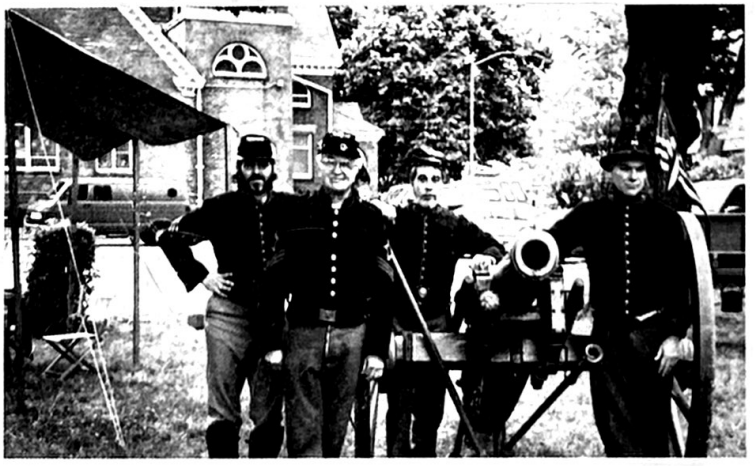


Friends Groups

- *Attic Maintenance*
- *Shared Use*
- *Cell Towers*







Left and Center: First Corinthian Baptist Church in Harlem was originally constructed as a motion picutre palace, with an ornate terra cotta facade. Its prominent corner location in a midrise residential neighborhood made it a desirable cell location.

Right: The metal rooftop cross was replaced in fiberglass to accommodate a cellular antenna.

Cell Towers and Historic Religious Properties

By Erin Tobin Bearden

Cellular companies often approach stewards of churches and synagogues to propose placing antennae on steeples, towers, or roofs. Allowing a cellular antenna on an historic religious property can be an attractive source of revenue, but congregations must be careful. There are many problems that can arise, and the church or synagogue must take the lead to protect their historic assets. Preservation can coexist with cellular installation, but it requires active stewardship.

Why Cellular Companies Look at Sacred Sites

Using a steeple allows cellular companies to offer residents the cellular coverage they want, while sidestepping the disputes over new tower construction. The 1996 Telecommunications Act states that municipalities must allow cell towers somewhere within their boundaries, and church steeples over 100 feet are attractive alternatives to unsightly pole cell towers.

Installing and maintaining cellular antennae sometimes requires material replacement, repairs, and other changes to the host building. Cellular companies often will first propose the cheapest and easiest solution for them, which does not always represent the best interest of the building. Congregations must be insistent that leasing companies find creative, preservation-friendly solutions. Hiring a preservation consultant or architect to advise them will make certain that the architectural integrity of the building is not compromised. Religious institutions should also have a lawyer, from the congregation or an outside consultant, to represent them in negotiations with the cellular company.

Sensitive Placement Is Crucial

The introduction of modern elements inevitably threatens to compromise the integrity of a historic building. For this reason, it is critical that the religious institution push for creative

solutions to antenna and equipment shed placement. Above all, cellular companies should place antenna on a historic religious building in a discreet location, with no or limited visibility from the street, and little or no adverse effect on the building's historic materials.

Meisha Hunter of the New York City Landmarks Preservation Commission said, "Most buildings have their own site-specific problem and corresponding solution." Cellular companies sometimes propose placing a cross on the steeple of a church for panel installation. Local and state preservation agencies often approve this, if the cross is appropriate to the scale of the historic building. This worked for the First Corinthian Baptist Church in Harlem, where the cellular company replaced the existing sheet metal rooftop crosses in fiberglass, making them slightly larger, but consistent with their prior appearance in color and proportions.

Other creative solutions include placing the antenna panels behind louvers in a cupola, in arched window openings, or on windowsills. The First Church of Christ Scientist on Central Park West in Manhattan (now Crenshaw Christian Center East) had cellular antennae placed behind the historic wooden screen. Perforations in the design of the screen allow for signal transmission, so the original material did not need altering. In this instance, the cellular company cleaned out the cupola space, remediated the guano problem, repaired the monumental, decorative wooden screen panels that had deteriorated, and installed bird-proofing metal and nylon mesh behind the wooden screens. The cellular company, however, did not do other necessary repair work on the tower masonry. With the guidance of a preservation consultant, the congregation could have asked the company to fund stone repointing and new flashing on sills to prevent moisture infiltration that can put the company's expensive equipment at risk.

If there is no solution besides installing the antenna panels into the wall masonry or wood siding, then state and local preservation officials stress that the panels should be mounted flush into the mortar joints of non-decorative masonry – not drilled into the masonry itself – and the panel should be painted to match the masonry or siding.

Managing Alterations

Congregations need to be vigilant stewards overseeing any alterations made to the historic building to accommodate antenna placement. Ideally, they will hire a preservation consultant or architect to represent the building's best interests throughout the process. The preservation architect can evaluate the needs of the building, particularly at the antenna location site, and argue for all necessary repairs. Without this input, work that the cellular company might have paid for could go undone, as in the instance of the Crenshaw Christian Center East in Manhattan.

Some changes that the cellular company might suggest include:

- Replacing some of the original steeple, bell-tower, or cupola materials to allow proper signal transmission;
- Rebuilding steeples lost to lightning or decay;
- Repairing deteriorated structural framing; and
- Maintenance measures, such as painting, bird-proofing the area around the antenna, and providing safe access to the steeple or tower.

Alterations made to the historic building should be reversible, and congregations should save any historic materials removed to accommodate the antenna. These elements can be reinstalled if the cellular company terminates the lease and removes their equipment.

If You Decide to Have a Cell Tower...

Hire your own preservation consultant. The company will have a preservation consultant to submit the Section 106 review on their behalf, but it is wise for the institution to have their own representative who can help with negotiating terms of the lease and placement of the antenna and equipment box. Connie Curran and Will Ingraham of Scarborough Presbyterian Church have found their consultant to be invaluable in representing the church's interests, designing the antenna placement in an architecturally sensitive manner, and maximizing the benefit to the church.

Hire an attorney. Any institution considering placing a cell antenna on their property should also consult an attorney to review what is required of the cellular company and to assist with lease negotiations. Michael Rebic, Director of Property Support for the Episcopal Diocese of New York, suggests: "Before entering any agreement, a lawyer should carefully review the contract to ensure that the church is fully protected. Among the items that need to be considered are the impact the revenue may have on the church's property tax exemption as well as the costs associated with removal of the equipment and repair to the building at the end of the leasing period."

Ask for a copy of the cellular consultant's Cultural Resource Report that they submit to the State Preservation Office. These reports are part of the public record and available to the congregation and public.

Negotiating the Lease

Religious institutions benefit from the increased revenue a long-term cell tower lease can provide. Fees can average between $1,000 and $3,000 a month, depending on the company's need for coverage in the area and the institution's negotiating skills. In all lease negotiations, the institution should have an attorney review the proposed terms and assist with legal and financial negotiations. Cellular companies usually lease space from religious institutions for periods of 20 to 25 years. These leases can have five-year installments, so institutions can negotiate for rent increases or additional terms.

Religious institutions also need to contact their denominational governing body prior to entering any lease agreement. For instance, under New York State Religious Corporation Law, any Episcopal congregation that enters into a lease that is for five years or longer needs to receive the separate permissions of the diocesan Standing Committee and Bishop as well as the permission of the appropriate New York State Supreme Court.

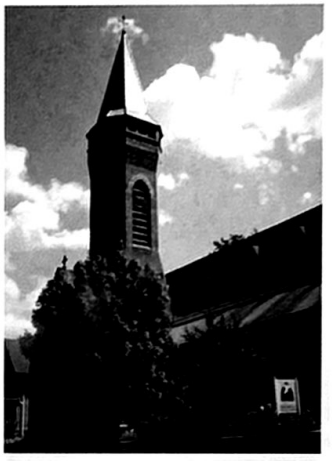
Complying with Regulatory Requirements

With every new antenna placement, a cellular company must take into account the potential impact on all affected historic resources. Once a location has been determined for antenna placement, the cellular company submits to a government review process, known as Section 106, referring to a section of the National Historic Preservation Act. The cellular company hires a preservation consultant, who produces a cultural resource report that evaluates any potential visual impact the proposed antenna will have on surrounding historic resources.

Section 106 states that any action involving Federal funding, licensing, or permitting must "take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register." This review process applies to all proposed cellular antenna locations, whether on existing buildings or poles in the ground, whether a property is listed on the National Register of Historic Places or not.

The State Historic Preservation Office typically reviews the Section 106 applications, but, in some municipalities, a local preservation commission with a special certification (known as a Certified Local Government) can review the Section 106 applications. The cellular company is responsible for Section 106 compliance, but religious institutions can monitor the cellular company's compliance with regulations by contacting their State Historic Preservation Office or local preservation commission through the review process.

Finding a Solution in Rochester



Calvary St. Andrew's Presbyterian Church in Rochester, New York shows how a community and a religious institution can work with a cellular company to find a solution that benefits everyone. When Verizon Wireless first proposed a tower on a commercial property, the residents of historic South Wedge neighborhood protested. Calvary St. Andrew's came forward and suggested locating the cellular antenna on their 80-foot steeple. This solution benefited Verizon, who needed additional cellular coverage in the neighborhood; the community, who did not want a large, visually obtrusive tower; and the church, which had restorative work funded by Verizon and now has an income from the antenna lease.

The church worked closely with the Verizon construction supervisor and approved all changes that were made to the building to accommodate the antenna. In return, Verizon funded interior improvements and restored their historic front door to match materials being replaced. Reverend Judy Lee Hay, the minister at Calvary St. Andrew's Presbyterian Church in Rochester, said, "The cellular company must find a solution that is environmentally safe, fits the character of the building, and follows the original design."

There is a separate, but frequently coordinated, review process for locally designated landmarks. In this instance, the property owner is responsible for submitting an application to the local preservation commission, which can have its own set of regulations. All institutions with local landmark status should confer with their local preservation commission for details on this process.

Regulations such as Section 106 of the National Historic Preservation Act and local landmark rules help to ensure that cellular companies find the least visible and most reversible location for their antenna, but it is ultimately the congregation's responsibility to protect itself and safeguard its building from architecturally insensitive or poorly designed antenna placement.

Co-Location Offers Greater Benefits

Once a cellular company has placed an approved antenna in a specific location, additional companies may wish to place their antennae in the same spot – a process called co-locating. Co-location can bring more revenues to a religious institution, often with little additional impact to the historic structure, if properly planned with preservation consultants or architects. The Section 106 review process for co-location of cell towers has been considerably streamlined. In 2000, the Federal Communications Commission (FCC) entered into an agreement with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers to ease the review of additional cell antennae planned for existing sites. This agreement recognizes that the addition of a small antenna to a tower or other structure already containing an antenna is unlikely to have a significant impact on historic resources. Thus, under the agreement, most co-locations are exempted from the full Section 106 review process.

A cellular company must still make an application to co-locate at an existing cellular antenna location, but can ordinarily expect substantially expedited review. Exceptions to this general rule include antennae located in particularly sensitive areas, such as within a historic district or on certain particularly significant historic structures. FCC regulations permit up to five carriers per antenna site.

Weighing Benefits and Costs

Cellular antenna placement on historic religious properties can bring benefits to congregations, but it also requires increased vigilance and dedicated oversight. Each congregation, with the assistance of an attorney and a preservation consultant, should weigh the costs and benefits for their specific situation before agreeing to a lease with a cellular company. While it can bring needed financial revenues to a congregation and can sometimes be the best solution for a community, placing cellular antennae on a historic building impacts its historic integrity and can cause irreversible change or damage if not done with the utmost sensitivity to the existing building and its materials.

Acknowledgements

The author wishes to thank Meghan MacWilliams Baratta, Senior Historic Preservation Specialist, New Jersey Historic Preservation Office; Meisha Hunter, Landmarks Preservationist, New York City Landmarks Preservation Commission; Ken Markunas, Technical Assistance and Grants Unit, New York State Historic Preservation Office; and Michael Rebic, Director, Property Support, Episcopal Diocese of New York.

Resources

Lovejoy, Kim, "Special Report: Wireless Communication Antennas," *Common Bond*, Volume Number , www.nylandmarks.org

National Historic Preservation Act of 1966 As Amended Through 2000 (With annotations), www2.cr.nps.gov/laws/NHPA1966.htm

National Trust for Historic Preservation, *Locating Telecommunications Towers in Historic Buildings* (2000), $10, 202-588-6296 or www.preservationbooks.org

Pollack, Ari B., and Kerouac, James D., "Cell Tower Leasing Comes with Risks and Rewards," www.gcglaw.com/resources/realestate/celltowers.html